

BEFORE THE ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

DIRECTOR OF THE DEPARTMENT)
OF INSURANCE, FINANCIAL)
INSTITUTIONS & PROFESSIONAL)
REGISTRATION)
STATE OF MISSOURI,)

Petitioner,)

vs.)

MONTY R. SMITH,)

Respondent.)

Case No.: 09-0534 DI

FILED
JUL 27 2009
ADMINISTRATIVE HEARING
COMMISSION

JOINT STIPULATION & MOTION FOR CONSENT ORDER

Petitioner, John M. Huff, and Respondent, Monty R. Smith, both appearing through counsel, jointly stipulate the following and move for a summary decision pursuant to 1 CSR 15-3.446(4). In support of their Motion, the parties stipulate as follows:

1. Petitioner is the Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration. The Director has the duty to administer Chapters 374 and 375, RSMo, which includes the supervision, regulation, and discipline of insurance companies, agencies, and producers licensed to operate and conduct business in the State of Missouri.

2. Petitioner filed a Complaint with the Commission on April 22, 2009, alleging that he has cause to discipline Respondent's insurance producer license pursuant to §375.141.1(8), RSMo (Supp. 2008), as interpreted by 20 CSR 700-1.140(3) Minimum

Standards of Competency and Trustworthiness for Insurance Producers Concerning Personal Insurance Transactions.¹

3. Respondent received and reviewed a copy of the Complaint and submits to the Commission's jurisdiction.

4. Respondent filed his Answer on June 2, 2009.

5. The Department of Insurance, Financial Institutions and Professional Registration issued Respondent Monty R. Smith an insurance producer license (No. PR0218027) on December 20, 2001. Such license was subsequently renewed and is set to expire on December 20, 2009.

6. On or about March 9, 2006, Respondent obtained a \$5,700 loan from Helen Lea, a friend of Respondent's family and Respondent's insurance client. In return, Respondent wrote a check to Ms. Lea for \$6,000 to be cashed at an undetermined future date.

7. Ms. Lea deposited Respondent's \$6,000 check on or about September 2, 2006, but the check was returned to Ms. Lea because the account upon which Respondent wrote the check did not have sufficient funds to cover the check.

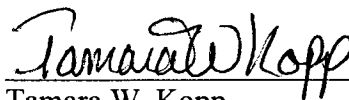
8. Respondent repaid the loan plus \$300 in interest to Ms. Lea on September 8, 2008.

9. Respondent admits that cause to discipline Respondent's insurance license exists under §375.141.1(8), RSMo (Supp. 2008) as interpreted by 20 CSR 700-1.140(3).

¹ In the Code of State Regulations in effect at the time of the conduct in question, the relevant language appeared in 20 CSR 700-1.140(4).

WHEREFORE, based on the foregoing, the parties respectfully request that the Commission issue its decision stating that Petitioner has established cause to discipline Respondent Monty R. Smith's Missouri insurance producer license pursuant to § 375.141.1(8), RSMo (Supp. 2008), and for such other relief as the Commission deems just and proper.

Respectfully submitted,



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